

Remarks/Arguments

Claims 1-59, and 64-67 are pending in this application.

Amendments

Applicant has amended the claims to generally improve their form in accordance with U.S. patent law.

More specifically, claims 1, 3, 11, 19, 20, 22, 27, 28, 33, 45, 52, 64, 65 and 66 are currently amended. These amendments do not add new matter because they are supported by a number of statements in the specification.

Claims 3, 28, and 66 are objected to based on informalities. Claims 1-21, 27-44, 54-59 and 64-65 are rejected under 35 U.S.C. 112, second paragraph. Claims 1-47 and 64-66 are rejected under 35 U.S.C. 101. Claims 1-3, 5-11, 13, 15-18, 20-23, 25-31, 33-40, 42, 44-55, 57, 59 and 64-67 are rejected under 35 U.S.C. 102(a) as being anticipated by the newly cited Price Watch reference. Claims 4, 32, 56 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price Watch, in view of Kelley. Claims 12, 14, 41 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price Watch. Claims 19 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price Watch, in view of Newswire.

Applicant respectfully submits that in view of the following remarks and arguments, all grounds of rejection are traversed and reconsideration is respectfully requested.

Claim Objections

Claims 3, 28, and 66 are objected to based on informalities. Applicant thanks Examiner for bringing this to Applicant's attention. Claims 3, 28, and 66 are currently amended to resolve aforementioned informalities. Applicant respectfully submits that based on the amendments claims 3, 28, and 66 are now in proper form and these objections should be withdrawn.

Claim Rejections – 35 USC §112

Claims 1-21, 27-44, 54-59 and 64-65 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As to all these except claims 54-59, the Examiner is correct that the aforementioned claims are method claims wherein the preamble simply sets forth the environment in which the method may be used. The language “A method... in a system... the method comprising...” utilizes the prepositional phrase “in a system” to identify the environment in which the claimed method is carried out. It is proper and well-accepted patent claiming for a claim preamble to set forth the environment for the claimed subject matter. See MPEP 2111.02 (citing *In re Otto*, 312 F.2d 937, 938, 136 USPQ 458, 459 (CCPA 1963)). Accordingly, the rejection to these claims should be withdrawn. Similarly, the Examiner correctly interprets claims 54-59 as being drawn to a computer program product and the term “web document” refers to the environment of the program.

Claim 1 is rejected as lacking sufficient antecedent basis for “a content provider.” Claim 1 is currently amended to recite “the content provider” to reference the content provider contained in the preamble. Further, claim 1 is currently amended to recite “the client computer system” from “a client computer system” to more clearly reference the client computer system contained in the preamble. Accordingly, the rejection to this claim should be withdrawn.

Claim 11 is rejected as lacking sufficient antecedent basis for “the target document.” Claim 11 is currently amended to reference claim 10 as a base claim, which recites “a target document” thus providing sufficient antecedent basis. Accordingly, the rejection to this claim should be withdrawn.

Claim 19 is rejected as lacking sufficient antecedent basis for “the recognizer.” Claim 19 is currently amended to recite “a recognizer.” Accordingly, the rejection to this claim should be withdrawn.

Claim 33 is rejected as lacking sufficient antecedent basis for "the original document." Claim 33 is currently amended to recite "the electronic document" to reference the electronic document recited earlier in the claim. Accordingly, the rejection to this claim should be withdrawn.

Accordingly, Applicant respectfully submits that each of claims is definite by particularly pointing out and distinctly claiming the subject matter Applicant regards as the either a method or a computer code. Consequently, Applicant respectfully requests the Examiner to withdraw these rejections.

Claim Rejections – 35 USC §101

Claims 1-47 and 64-66 are rejected under 35 U.S.C. 101 as allegedly being directed to non-statutory subject matter.

Applicant respectfully disagrees. Nevertheless, in order to expedite prosecution, Applicant has amended independent claims 1, 20, 22, 27, 33, 45, 64-66 to recite "computer-implemented methods" where the steps are performed by a computer and not by a user, thus satisfying the "machine-or-transformation" test. Applicant respectfully requests that the Examiner withdraw the Section 101 rejections of claims 1, 20, 22, 27, 33, 45, 64-66 and their respective dependent claims.

Claims 54-59 are rejected under 35 U.S.C. 101 as allegedly being directed to non-statutory subject matter.

Applicant respectfully disagrees. "[F]unctional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. MPEP 2106.01, first paragraph. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. MPEP 2106.01, second paragraph. When a computer

program is recited in conjunction with a physical structure, such as a computer memory, USPTO personnel should treat the claim as a product claim. MPEP 2106.01(I.), fourth paragraph.

Here, claim 54 in part recites a "web document stored in memory on a server... containing code executable by a client computer system enabling the client computer to invoke a remote computer system...." The web document containing executable code is functionally descriptive material because it imparts functionality when employed as a computer component. As one example, the "code... enable[es] the client computer to invoke a remote computer system..." Further, the web document becomes statutory material as it is recorded in "memory on a server," which is a computer-readable medium. Finally, since the web document is recited in conjunction with a physical structure, ("memory on a server") the Examiner should treat it as a product claim. Applicant respectfully requests that the Examiner withdraw the Section 101 rejection of claim 54 and the dependent claims 55-59.

Claims 1-21, 27-44, 54-59 and 64-65 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As to all these and as noted above, it appears that the Examiner may be confused by the language "A method... in a system... the method comprising...." The prepositional phrase "in a system" identifies the environment in which the claimed method is carried out. It is proper and well-accepted patent claiming for a claim preamble to set forth the environment for the claimed subject matter. See MPEP 2111.02 (citing *In re Otto*, 312 F.2d 937, 938, 136 USPQ 458, 459 (CCPA 1963)). Accordingly, the rejection to these claims should be withdrawn.

Claim Rejections – 35 USC §102

Claims 1-3, 5-11, 13, 15-18, 20-23, 25-31, 33-40, 42, 44-55, 57, 59 and 64-67 are rejected under 35 U.S.C. 102(a) as being anticipated by Price Watch: www.pricewatch.com (April 16, 1997 through May 10, 2000) hereafter Price Watch.

A prima facie case of anticipation has not been established because the Office Action does not identify how all elements of the claims can be found in the cited art, and in fact the cited art fails to teach or suggest various elements in each claim. The prior art must disclose each element of the claimed invention. *Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). See also MPEP 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."). Further, full patentable weight must be given to each word in each claim, including words in the preamble or words that form functional language, because the wording helps distinguish the claimed invention over the prior art. *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) ("All words in a claim must be considered in judging the patentability of that claim against the prior art.")

The invention as claimed and disclosed addresses the problem inherent in the vast collection of existing electronic documents, such as web documents – they do not allow users to link to or retrieve information beyond what the document inherently provides or is structured to permit in its original form. The present invention expands the realm of contextually relevant information that a user may access by taking the original document and adding annotations that permit the retrieval of more information or data than was possible through the original document.

In contrast, the *pricewatch.com* system does not annotate a preexisting content document to expand the scope of contextually relevant information that a user may access. Instead, it relates to a conventional system that in response to a user query dynamically generates a new document with hyperlinks related to the user's query. The following remarks

more specifically define some patentable differences between the claimed invention and the cited art.

There is no prima facie anticipation of claims 1-3, 5-11, 13, 15-18 by Price Watch

Claim 1 recites, with emphasis added:

1. A computer-implemented method for generating annotation instructions in a system comprising a content provider computer system, a central computer system, and a client computer system, the method comprising:

in an electronic content document **retrievable from a the content provider computer system storing content documents**, embedding programming language code executable by a the client computer to invoke the central computer system to recognize key elements based on key elements contained in a key-element list;

recognizing key elements in the document based on the key elements in the key-element list; and

generating annotation instructions for the client computer system to create one or more annotations for one or more key elements in the content document and sending the instructions to the client computer system.

Price Watch does not teach modifying an electronic content document

The Office Action asserts that Price Watch discloses a content provider (retailer), a central computer system (pricewatch.com) and a client computer system (customer/user) wherein, an electronic content document (website) retrievable from a content provider computer system storing content documents, embedding code executable by a client computer to invoke the central computer system to recognize key elements based on key elements contained in a key-element list. Wherein, pages 4-12 of the reference disclose various embedded elements that can be executed by the client and, further, that the data is fed directly to the asserted central computer system.

In contrast, claim 1, recites "an electronic content document retrievable from a content provider computer system." The Office Action designates pricewatch.com as the central computer system, the retailer system as the content provider computer system and the consumer/user as the client computer system. What would correspond to the claim limitation, in the context of pricewatch.com's system would be the retrieval by pricewatch.com of a content

document from the retailer's computer system. But this is not in fact taught by Price Watch. Rather, pricewatch.com "obtain[s information] from websites, or data [from] fed direct[ly] to [it] from the reseller." Price Watch p. 1. Further, that information is stored in a database. See id. at p. 2 ("web database is updated about 3 times a day"). This information database is then queried and the information is used to create a webpage with a table containing the information. In other words, the content page did not preexist on the retailer's computer system. Therefore, Price Watch does not disclose any annotation or embedding in an electronic content document corresponding to claim 1's express limitation of "an electronic content document retrievable from a content provider computer system, embedding code" therein.

Claim 1 further in part recites "embedding code executable by a client computer to invoke the central computer system to recognize key elements...." In the context of pricewatch.com, this would mean that code is placed into the retailer's content page so that when it is rendered by the client system, it invokes the pricewatch.com's system to recognize key elements. **First, there is no teaching in Price Watch that content pages of the retailer are retrieved or modified.** It is well known in the art that data from a web page, for example, can be extracted by software agents without copying the full web page. In other cases, XML feed may provide data apart from a content document. The most that could possibly be assumed, and even this is speculation insufficient to support a rejection, is that merely product and pricing data are extracted and uploaded to a database, without any structure that matches the content page from which the data were extracted.

Further, the Office Action asserts that the user's search query is a key element and that the subsequent search and that the returned search results generated by pricewatch.com represent this limitation. This is backwards from what the claim recites. Claim 1 recites "embedding code executable by a client computer to invoke the central computer system to recognize key elements based on key elements contained in a key-element list...." Rather than recognizing key elements in the document based on key elements contained in a key-element

list, pricewatch.com, uses the query term identified and selected by the user to search its database to return the requested information.

Price Watch does not teach the claimed recognition process

The Office Action essentially identifies a web document with searchable categories, a search engine, and results of a search with hyperlinks to results. All this is proved by and apparently performed on a comparison shopping site operated by pricewatch.com as an "independent research firm [that] research[es] pricing information and present[s] it to [the user]." Price Watch p. 2. The Office Action does not state how anything on that site becomes embedded with code that is executable by a client and thereby invokes a central computer system to undertake the claimed recognition process. While Price Watch does teach creating a web page responsive to a user's query, the web page that is returned to the user is generated by and returned from the pricewatch.com site. (I.e., the content provider, not the central computer system – in other words pricewatch.com must be one or the other, it cannot be both.)

Further, there is nothing on the page identified by the Office Action that would cause the client's system to then call a central computer to recognize key elements on that page. Notably, what the Office Action considers to be the recognition of the key elements is the user's query, but that, according to the Office Action, actually occurred before the client's system received a web page with alleged embedded code.

Therefore, claim 1 is distinguishable from Price Watch for any one or more of the aforementioned reasons. Applicant respectfully requests Examiner to withdraw this rejection. Further, as 2-3, 5-11, 13, 15-18 depend from claim 1, they too are distinguishable from Price Watch for at least the same reasons as claim 1.

There is no prima facie anticipation of claims 20-23, 25-31, 33-40, 42, 44-55, 57, 59 and 64-67 by Price Watch

Claims 20-23, 25-31, 33-40, 42, 44-55, 57, 59 and 64-67 each recite various elements and arrangements of elements or steps that are missing from Price Watch. Therefore, there is no prima facie anticipation of these claims and all are patentably distinct over Price Watch for at least the same or similar to those given above, as well as additional reasons given below.

Independent claim 20 recites, with emphasis added:

20. A computer-implemented method for sending annotation instructions in a system comprising at least two computer systems, the method comprising:

on a first computer system, receiving over a packet-switched network a web page, **the web page corresponding to a web page presented to the user of a second computer system;**

on the first computer system, recognizing in the web page one or more predetermined key elements based on a key-element list, the key element list comprising one or more words relating to one or more products; and

sending annotation instructions from the first computer system to the second computer system for use in creating annotations on the web page presented on the second computer.

As to claims 20-21, the Office Action states that Price Watch discloses a first computer system (user) receiving a web page from a second computer system (pricewatch.com). As such, Price Watch does not disclose claim 20's recited limitation of "sending annotation instructions from the first computer system to the second computer system for use in creating annotations on the web page presented on the second computer," since as the first computer system (user) would send annotation instructions to the second computer (pricewatch.com) to view. This clearly is not what Price Watch discloses.

An example of this claim would be a web page viewable on a consumer computer system, such as represented in FIG. 12. The web page would be from a content provider, such as "Monthly Review of Tech Gadgets." The web page data may then be sent to the first computer system, for example the comparison shopping system of BizRate.com. The first computer system then performs recognition functions to find keywords. It then sends

instructions back to the second computer telling it how to annotate the page being viewed. The end result is that useful links and information are presented to a user that were not native to the page they had retrieved for viewing. There is nothing in Price Watch that discloses this set of claimed steps. Again, pricewatch.com merely generates pages from its own site and does nothing to retrieve web page data corresponding to a page that is being viewed by a consumer. Therefore, consequently pricewatch.com cannot send annotation instructions back concerning any such page. Accordingly, for any one or more of the foregoing reasons, claim 20 and its dependent claim 21 are patentably distinguishable over Price Watch.

Independent claim 22 recites, with emphasis added:

22. A computer-implemented method comprising **sending a key list from a remote computer system** to a client computer system, **the client computer having executable code for performing one or both of annotation and recognition of key elements on the key list**, the key list comprising a set of **key elements and corresponding identifiers**; and the key list being adapted for the client computer to use in performing on an **electronic document presented to a user of the computer system from a content provider computer system** one or more of (i) **recognizing key elements** and (ii) **annotating key elements**.

Claim 22 relates to a method where instead of the recognition/annotation instructions being carried out on a computer system different from that of the user viewing the web page of a content provider, the functions being carried out on the user's computer system. However, the remote computer system (e.g., a central computer system, such as BizRate.com) enables the user's computer system to recognize and annotate by sending it a key list of key elements and corresponding identifiers. The Office Action does not identify a client and remote computer that interact in this manner. For example, there is no teaching in Price Watch that a key list is sent, only web pages. Any web page sent by Price Watch have preexisting hyperlinks that are executable by the client without any need for the client computer system to analyze the page to recognize key elements based on any key list and/or to annotate the page if they are found.

Accordingly, for any one or more of the foregoing reasons, claim 22 and its dependent claims 23, 25-26 are patentably distinguishable over Price Watch.

Independent claim 27 recites, with emphasis added:

27. A computer-implemented method in a system comprising at least a content provider computer system and a consumer computer system, the method comprising:

on a first computer system, receiving an electronic document with at least one predetermined key element;

from a second computer system, knowing the identity of the electronic document received on the first computer system, sending instructions to the first computer system for presenting to the user of the first computer system one or more hyperlinks related to a key element on the electronic document so the user may retrieve data or information related to the key element, the key element being contained in a key-element list, **wherein the second computer system did not provide the electronic document received on the first computer system.**

Claim 27 recites among other things: key elements and a key element list; sending of instructions from the second computer based on the identity an electronic document on a first computer; and certain operations by different computer systems. The first computer system in this set of claims would typically be a consumer system. The electronic document on that system would typically be a web page from the content provider. The second computer system would typically be the central computer system that can know the identity of the page. The Office Action does not identify any teaching in Price Watch for one computer to know the identity of an electronic document on another computer that did not provide the document. The Office Action asserts that page 15 discloses a that a user is presented a website with search results and that pricewatch.com acts as the second computer. Since pricewatch.com is the originator of the website containing the search results it does not satisfy the limitation of the second computer system not providing the electronic document received on the first computer system.

Further, Price Watch does not show “sending instruction to the first computer system for presenting to the user of the first computer system one or more hyperlinks related to a key element on the electronic document.” Price Watch discloses sending query results. However, even if this does comprise “receiving an electronic document,” there is no disclosure of the additional step of “sending instructions.”

The recited claim elements are not identified in the Office Action, and are patentably distinct over Price Watch. Accordingly, for any one or more of the foregoing reasons, claim 27 and its dependent claims 28-31 are patentably distinguishable over Price Watch.

Independent claim 33 recites, with emphasis added:

33. A computer-implemented method in a system comprising at least two computer systems, the method comprising:

from a first computer system, providing a second computer system a set of predetermined key elements and corresponding identifiers for use in creating annotations for key elements on an electronic document, the annotations are being made in addition to those native to the electronic document, as renderably received by the first computer system;

receiving from the second computer system data associated with an annotation for a key element (“key element data”) following selection of an annotation by a user of the second computer system, **wherein the annotation was created by the second computer system using the key elements and corresponding identifiers provided by the first computer system;**

retrieving or generating data or information responsive to the key element data received from the second computer system;

sending the information to a computer system or output device associated with the user selecting the annotation; and

wherein the first computer includes recognition and annotation modules and the key element data is based on selection of an annotation and is sent following the operation of recognition/annotation modules to identify and annotate key elements in the document that were not previously annotated by a content provider providing the document.

Claim 33 recites among other things: key elements and corresponding identifies, key element data, and interactions between different computer systems related to these items. The

first computer in this set of claims would typically be the central computer system. The second computer system would typically be the consumer computer system. The recited claim elements are not identified in the Office Action, and are patentably distinct over Price Watch. Claim 33 further recites that the annotation is created by the second computer using key elements and identifiers provided by the first computer system. The Office Action asserts that Price Watch discloses that the user is presented with a web page in which they have a list of key elements which are used to create annotations as shown on page 15, these annotations are made in addition to the original data such as the key element all of this is displayed to the user. However, this does not match the cited limitation of the claim of the second computer being able to use the information to create annotations in addition to the original document, since in Price Watch, the alleged annotations would have already been made. Pricewatch.com merely sends a predefined web page wherein the user may make a selection or enter a query, but does not make any annotations.

Further, Price Watch does not show "receiving from the second computer system data... following selection of an annotation by a user of the second computer system." The Office Action asserts this is shown by the search query results, indicating the Examiner construes the second computer system to be the user's computer system. However, the claim also requires "annotations are being made in addition to those native to the document, as renderably received by the first computer system." The Office Action asserts that this is shown by the presentation of the Price Watch web page, thus construing the user's computer as the first computer system. This claim construction is inconsistent because the first and second computer change meanings from one limitation to another.

The recited claim elements are not identified in the Office Action, and are patentably distinct over Price Watch. Accordingly, for any one or more of the foregoing reasons, claim 33 and its dependent claims 34-40, 42, 44 are patentably distinguishable over Price Watch.

Independent claim 45 recites, with emphasis added:

45. A computer-implemented method for use on a system of networked computers, the method comprising:

from a first central computer system, transmitting to a consumer computer system a consumer **code executable on the consumer computer system** for (i) **recognizing predetermined key elements** on an electronic document and (ii) **annotating the key elements** by associating recognized key elements with a URL for a second computer system computer system, the address being determinable from a key list comprising a set of key elements and corresponding identifiers.

As to Claim 45, again Price Watch fails to at least disclose the user computer utilizing any executable code from pricewatch.com to recognize predetermined key elements or annotate the key elements. The recited claim elements are not identified in the Office Action, and are patentably distinct over Price Watch. Accordingly, for any one or more of the foregoing reasons, claim 45 and its dependent claims 46-47 are patentably distinguishable over Price Watch.

Claims 48-59, 64-67 recite elements the same as or similar to the claims discussed above such as claim 1 and 22 and are patentably distinct for at least the same or similar reasons as those given above.

Claim Rejections – 35 USC §103

Claims 4, 32, 56 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price Watch, in view of "Ryan Kelley: "You can't Inspect that blouse or shirt" (July 21, 1997) hereafter Kelley.

As to claim 4, as noted above Price Watch fails to anticipate claim 1, from which claim 4 depends. Kelley fails to disclose the claim elements not shown by Price Watch. Specifically neither Price Watch, nor Kelley disclose elements including, but not limited to, embedding code executable by a client computer to invoke the central computer system to recognize key elements, modifying a stored electronic content document, and recognizing key elements.

As to claim 32, as noted above Price Watch fails to anticipate claim 27, from which claim 32 depends. Kelley fails to disclose the claim elements not shown by Price Watch. Specifically neither Price Watch, nor Kelley disclose elements including, but not limited to, the separate step of sending instructions for annotating and the second computer not being the source of the electronic content document.

As to claims 56 and 58, as noted above Price Watch fails to anticipate claim 54, from which claims 56 and 58 depend. Kelley fails to disclose the claim elements not shown by Price Watch. Specifically neither Price Watch, nor Kelley disclose elements including, but not limited to, embedded code enabling the client computer to invoke a remote computer to generate annotation instructions, returning those instructions to the client computer, each annotation instruction corresponding with a key element on a key element list, and making those annotations in addition to any originally contained in the document.

Claims 12, 14, 41 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price Watch.

As to claims 12 and 14, as noted above Price Watch fails to anticipate claim 1, from which claims 12 and 14 depend. Specifically neither Price Watch, nor would it be obvious to one skilled in the art to invoke the elements recited by claim 1 including, but not limited to, embedding code executable by a client computer to invoke the central computer system to recognize key elements, modifying a stored electronic content document, and recognizing key elements.

As to claims 41 and 43, as noted above Price Watch fails to anticipate claim 33, from which claims 41 and 43 depend. Specifically neither Price Watch, nor would it be obvious to one skilled in the art to invoke the elements recited by claim 33 including, but not limited to, creating annotations for key elements by a second computer, making those annotations in addition to any originally contained in the document, and receiving key element data from the second computer.

Claims 19 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price Watch, in view of PR Newswire: "Check Point Software Technologies and Trend Micro Team to Combat Internet Gateway Security Threats" (October 5, 1998) hereafter Newswire.

As to claim 19, as noted above Price Watch fails to anticipate claim 1, from which claim 19 depends. Newswire fails to disclose the claim elements not shown by Price Watch. Specifically neither Price Watch, nor Newswire disclose elements including, but not limited to, embedding code executable by a client computer to invoke the central computer system to recognize key elements, modifying a stored electronic content document, and recognizing key elements.

As to claim 24, as noted above Price Watch fails to anticipate claim 22, from which claim 4 depends. Newswire fails to disclose the claim elements not shown by Price Watch. Specifically neither Price Watch, nor Newswire disclose elements including, but not limited to, the client computer having executable code for performing annotation or recognition of key elements on the key list.

Applicant respectfully submits that in light of at least the foregoing analysis claims 4, 12, 14, 19, 24, 32, 41, 43, 56 and 58 are patentably distinguishable over Price Watch in view of Kelley or Newswire. Accordingly, the rejection to these claims should be withdrawn.

In view of the foregoing reasons that clearly and abundantly distinguish the claims over the cited art, Applicant has not comprehensively stated every basis for overcoming the rejections of the Office Action. Applicant, however, reserves the right to do so at a later time. Therefore, nothing herein should be deemed as a disclaimer of any rights, an acquiescence in any rejection or a waiver of any arguments that might have been raised but were not raised herein or otherwise in the prosecution of this application.

CONCLUSION

Applicant submits that in view of the foregoing remarks and/or amendments, the application is in condition for allowance, and favorable action is respectfully requested.

The Commissioner is hereby authorized to charge any fees, including extension fees, or to charge any additional fees or underpayments, including extra claim fees, or to credit any overpayments, to the Credit Card account referenced and authorized via the EFS Web (Electronic Filing System). As an alternative, in case the Credit Card cannot be processed, the Commissioner is hereby authorized to charge any fees, additional fees, or underpayments, or to credit any overpayments, to Deposit Account No. 50-1001.

Respectfully submitted,

Date: January 4, 2010

/Bradley M. Ganz/
Bradley M. Ganz, Reg. No. 34,170
P. O. Box 2200
Hillsboro, Oregon 97123
Telephone: (503) 844-9009
Facsimile: (503) 296-2172
email: mail@bmganzlaw.com